

**APPROVED AS WRITTEN**  
**Zoning Board of Adjustment**  
**Meeting Minutes**  
**November 14, 2017**

**Member's Present:** Jack Ernest; Cathy Davis; Steve Filipi; Bob Handy; Carmen Yon, Alternate for Chad Beede; Susan Silverman, Selectman's Representative

**Other's Present:** Dan Sutton, alternate; Lon Caracappa; Adam Kossadya, Caracappa's Attorney; Paul Grasewicz;

**CTO:** Filipi called the meeting to order at 7:00 pm

**Caracappa Application for an Appeal from an Administrative Decision. 7:01 pm.** Filipi read over the application for an appeal from the administrative decision of the Board of Selectman for an after-the-fact Construction Permit. Carmen Yon was seated for Chad Beede.

Kossadya presented his main points to the Board and explained that he was appealing the denial for an after-the-fact Construction Permit Application for a structure built on Laurel Lake on the Grasewicz's property, which Caracappa is an easement holder of. Kossadya first described that the structures, two platforms, should not have been required to apply for an after-the-fact permit because the total square footage is under 50 square feet. Kossadya further explained Grasewicz's involvement in the case.

Kossadya stated that his client had been wrongfully denied the permit under the Board of Selectman, and went on to reference §127-39 in the Fitzwilliam Town Code Book, explaining that he could not find anywhere in the section that required a signature of anyone for a Construction Permit.

Grasewicz, landowner, described the dimensions of the original proposed plan with Caracappa, easement holder, which Caracappa would use as an access point to Laurel Lake. Grasewicz explained that he had agreed to sign the state Wetland Permit in order to allow a foot path to reach all the way down to the lake. Grasewicz described that the structures currently in place do not reflect the original proposed structure they had agreed on and explained that because of this, he refused to sign the Town Wetland and Construction Permit. Grasewicz then presented several documents to the Board regarding his failed attempts to come to an agreement with Caracappa.

Caracappa then spoke to the Board, describing the dimensions of the originally proposed structure. Caracappa then explained the involvement of David Streeter, a developer Caracappa had hired for the project. He further stated to the Board that he was notified by Streeter that the plans for the proposed structure changed on March 30, 2016, and to his knowledge, Grasewicz was also notified.

After posing several questions to the applicant, Filipi noted to the Board that they would focus on deliberating only on the official case which was the appeal from an administrative decision from the Board of Selectman. Ernst noted the Shoreland Impact Permit in Caracappa's

submitted application. Caracappa explained that this was an artifact documenting an 'easement upgrade' which would allow increased access to Laurel Lake.

Filipi moved to close the public hearing and discuss the application among the Board. Ernst motioned, and Yon seconded; the Board agreed unanimously.

The Board discussed their thoughts on the Caracappa application. Noting that it is not expressly written to require the land owner's signature in any Town regulations, among other points made in the public hearing, the Board expressed their concern with moving any further toward a decision in the case until they received legal guidance. Yon moved to seek legal guidance so as to make an informed decision, Ernst seconded, and the Board agreed unanimously. Filipi explained to the applicant and Grasewicz that the hearing would continue at the next regular meeting on Tuesday, December 12, 2017 at 7:30 PM, following a previously scheduled public hearing.

**Minutes of 10/10/17. 7:58 pm.**

Filipi asked the LUA to redraft the document for clarity but cited the following amendments: Line 18, 24 x 60 ft structure. Line 39 sentence structure is funky and need to be fixed. Line 58 & 59 needed sentence structure work. Line 79 should say "cars" parked outside. Line 84 should say "continued the public hearing." Line 49, "constriction" to "construction." Line 92 to 104 should be taken out. Line 118 "raised on the grade" not "picked up on the grade." Line 120 "Too close" not "to close" to road. Line 125, "proposed." Line 125 Abutter Bill Townsend, not audience member. Line 134 water line should be "seasonal high water table." Remove Line 162.

**Minutes of 10/16. 8:16 pm.** Filipi asked the LUA to redraft the document for clarity but cited the following amendments: 7:04, not 6:04 pm. Line 21, 75 feet. Line 20, should be defined as the setback from the back of the building. Line 45, measuring wetland setback. Clarifying reason for rejection being that they couldn't find the hardship what makes this property unique from other properties in the area. Take out Silverman misspoken, and just leave him clarifying. Line 113, the mandatory findings spelling. "After discussion could not find reason the property as a hardship," at end after vote that there was further discussion about possible resolve of the application decision was made.

**Minutes of 1/10/17 & 12/13/16. 8:28 pm.** The LUA explained that both of these minutes were recorded as "approved as written" at a later meeting, but that a signature for both was not on file. The Board reviewed and Filipi signed them both "approved as written."

**Vice-President. 8:33 pm.** The Board discussed a candidate for the vice chair position and recommended Chad Beede as a candidate.

Handy motioned to adjourn, Davis seconded, and the Board agreed unanimously to adjourn at 8:39 pm.